

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

OPERATING ENGINEERS LOCAL NO. 147 )  
HEALTH FUND and OPERATING ENGINEERS )  
LOCAL NO. 147 ANNUITY FUND, )

Plaintiffs, )

v. )

TESTA CORP., )

Defendant. )

Civil Action No. 3:09-0027


*Judge Echols*

*Magistrate Judge Griffin*

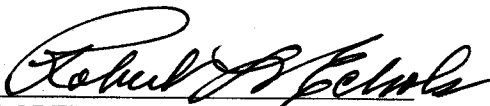
**ORDER**

Pending before the Court is Plaintiff's Motion to cancel a show cause hearing set for September 28, 2009, and to dismiss this civil action without prejudice. The Court is of the opinion the motion should be granted, and the show cause hearing is cancelled.

This civil action is dismissed without prejudice.

  
The Clerk is directed to ~~administratively close this action and~~ mail a copy of this order to Defendant, c/o Steven Testa, 360 Audubon Road, Wakefield, MA 01880.

IT IS SO ORDERED.

  
ROBERT L. ECHOLS  
United States District Judge

APPROVED FOR ENTRY:

s/R. Jan Jennings

R. Jan Jennings, BPR No. 1536  
Branstetter, Stranch & Jennings, PLLC  
227 Second Avenue North, 4<sup>th</sup> Floor  
Nashville, TN 37201-1631  
Tel.: (615) 254-8801

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing has been served via United States First Class Mail with adequate postage affixed thereon to the following:

Steven Testa  
Testa Corp.  
360 Audubon Road  
Wakefield, MA 01880

This 28<sup>th</sup> day of September, 2009.

s/R. Jan Jennings

R. Jan Jennings